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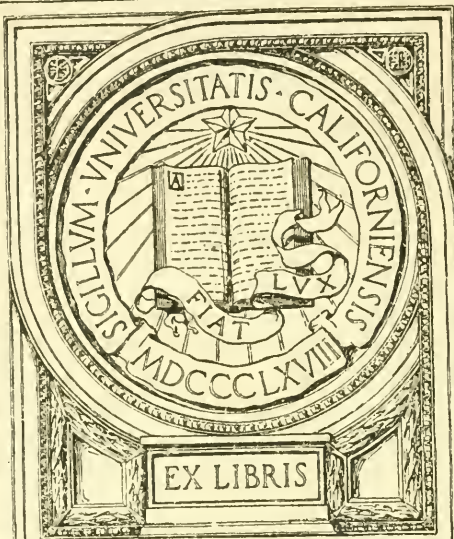
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GENERAL LAWS
OF THE
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RELATING TO
ELECTIONS



PUBLISHED BY AUTHORITY.

TITLE 3—Public Statutes.
IN FORCE AUGUST 1, 1907.

CONCORD, N. H.
RUMFORD PRINTING COMPANY.
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This pamphlet contains the general law relating to elections, as contained in Title 3 of the Public Statutes of 1906.

Certain provisions relating to this subject, not appearing herein, will be found in the Constitution, and elsewhere in the Public Statutes.



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TITLE 3.

ELECTIONS.

- CHAPTER 6.—Definitions.
- CHAPTER 7.—Qualifications of voters.
- CHAPTER 8.—Check-lists of voters.
- CHAPTER 9.—Nominations.
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- CHAPTER 15.—Canvassing votes and special elections for representatives to congress.
- CHAPTER 16.—Election of electors of president and vice-president.
- CHAPTER 17.—Offenses against the purity of elections.

CHAPTER 6.

DEFINITIONS.

SEC. 65. "State officers"; "county officers"; "electors." 1904, No. 57, § 1.
 The words "state officers," as used in this title, shall include the 1904, No. 58, § 1.
 governor, lieutenant-governor, state treasurer, secretary of state, 1902, No. 90, § 99.
 auditor of accounts and attorney general. The words "county 1894, No. 162, § 57.
 officers" shall include senators in the general assembly, judges of probate, assistant judges of the county court, state's attorney, sheriff, high bailiff and justices of the peace. The word "electors" shall mean electors of president and vice-president of the United States.

1896, No. 4, § 1.
 V. S. § 59.
 1892, No. 52, § 1.
 1886, No. 90, § 2.

SEC. 66. "Board of civil authority." The words "board of civil authority," as used in this title, shall mean, in the case of a town, the selectmen and town clerk of such town and the justices residing therein; in the case of a city, the mayor and aldermen and the justices residing therein; in the case of a village, the trustees of such village and the justices residing therein; and, in any case, such suitable member of an unrepresented political party as may be appointed a member of the board of civil authority under the provisions of law.

CHAPTER 7.

QUALIFICATIONS OF VOTERS.

V. S. § 60.
 R. L. § 61.

SEC. 67. **Citizenship.** Citizens of the United States and persons who have become citizens of this state by virtue of the constitution or laws are, while residing in the state, citizens thereof.

V. S. § 61.
 1884, No. 60, § 1.
 R. L. § 62.
 G. S. 1, §§ 1, 2, 3.
 1860, No. 20, § 1.
 R. S. 1, §§ 1, 2, 3.
 1812, p. 129, § 1.
 R. 1797, p. 550, § 5.
 1793, p. 16, § 3.
 R. 1787, p. 50, § 3.

SEC. 68. **Voters at general elections.** Every male citizen, twenty-one years of age or more, having resided in the state one year next preceding a general election, shall have a right to vote at such election for the officers to be elected thereat, in the town where he resides on the day of such election; but he shall not vote for representative to the general assembly or justices at such election, unless he has resided, during the three months next preceding such election, in the town which is his residence on the day of such election.

V. S. § 62.
 1884, No. 60, § 1.
 R. L. § 62.
 G. S. 1, § 6.
 1864, No. 72.
 R. S. 1, § 6.
 1812, p. 129, § 2.

SEC. 69. **Removal and non-residence.** No citizen, after removing from and residing without the state, shall vote at such election, until he has resided in this state one year preceding the day of such election and taken the oath of allegiance to the state, the oath to support the Constitution of the United States and the freeman's oath.

V. S. § 63.
 1888, No. 151, § 1.
 R. L. § 63.
 G. S. 1, § 5.
 R. S. 1, § 5.
 1812, p. 129, § 1.

SEC. 70. **Residence.** The residence of a person for the purpose of voting at a general election shall be deemed to be in the town where his family resides, if he has one within this state which he supports. If he has no family which he supports, his residence shall be in the town in which he has actually spent his time during the three months preceding such election.

V. S. § 64.
 1888, No. 151, § 1.
 R. L. § 63.

SEC. 71. **Residence, how retained.** A person having such residence in a town and being temporarily absent therefrom may, for the purpose of voting at a general election, retain such residence during such absence until and including the next general election, by filing a declaration of his intention so to do in the town clerk's office at least three months before the general election at which he wishes to vote, or upon his departure if within such time.

1901, No. 58, § 1.
 1896, No. 1, § 1.

SEC. 72. **Voting in another town.** A legal voter in this state may vote for governor, lieutenant-governor, state treasurer, secretary of state, auditor of accounts, attorney general and electors of president and vice-president, in any town in the state, and for representative to congress in any town in the congress-

sional district in which he resides; provided that such voter files with the clerk of the town in which he desires to vote a certificate from the clerk of the town of his legal residence, stating that such voter's name is on the check-list last required by law to be prepared in such town.

SEC. 73. Residence in special cases. No person shall gain or lose a residence by reason of his presence or absence while in the service of the state or of the United States; nor while engaged in the navigation of the waters of the state or of the United States or on the high seas; nor while in a hospital, almshouse or asylum, or confined in a public prison; nor while an inmate of a soldiers' home; nor while a student of a college or seminary of learning. Such student may adopt the town where such college or seminary is located as his place of residence by filing in the clerk's office of such town his declaration to that effect, and the time of his residence shall be computed from the time of filing such declaration. Inmates of the soldiers' home in the town of Bennington, who are legal voters in this state, may vote in that town for electors, state and county officers and representative to congress, by having their names properly enrolled on the check-list, if they elect so to do; but such inmates shall not acquire a legal residence in Bennington while inmates of such soldiers' home.

SEC. 74. Freeman's oath. No person shall be admitted to take the freeman's oath or vote at an election, until he has obtained the approbation of the board of civil authority of the town in which he resides.

V. S. § 65.
1888, No. 155, §§ 1.
R. L. § 63.
1876, No. 94.
1870, No. 2, § 9.
V. S. § 66.
R. L. § 64.
G. S. 1, § 4.
R. S. 1, § 4.
1812, p. 130, § 3.
R. 1797, p. 550, § 3.

CHAPTER 8.

CHECK-LISTS OF VOTERS.

SECTIONS 75-84.—Check-list at general elections.

SECTIONS 85-90.—Check-list at local elections.

Check-List at General Elections.

SEC. 75. Selectmen to prepare. The selectmen in each town shall, at least thirty days before a general election for the election of state and county officers and representative to the general assembly, make an alphabetical list of the persons qualified to vote at such election, and shall forthwith cause copies of such list to be posted in two or more public places in such town and a copy to be filed in the town clerk's office. Upon such check-list shall be stated against the name of each voter the street and number of his residence; and against the name of each person who has not resided in such town three months next preceding the general election for which the list is made, it shall be stated that he is disqualified to vote for representative to the general assembly and justices.

SEC. 76. Political representation on board. If the board of civil authority in a town or village does not contain a member of each political party which would be entitled to have its nomi-

V. S. § 67.
1884, No. 60, § 2.
R. L. § 65.
1870, No. 86.
1868, No. 41.
1867, No. 24, § 1.
1866, No. 15, § 1.
1896, No. 4, § 1.

nations printed upon the official ballots, the selectmen of such town, or the president and trustees of such village, on application in writing of three or more legal voters of such town or village, setting forth such facts, shall, within six days after the presentation of such application, designate and appoint some suitable member of such unrepresented political party a member of said board, and cause a certificate of such appointment to be recorded in the records of such town or village; and the person so appointed shall have the same authority in making and revising the check-list, conducting elections, and counting and canvassing votes, as other members of said board.

V. S. § 68.
R. L. § 66.
1870, No. 86.
1868, No. 42, § 2.
1867, No. 24, § 5.
1866, No. 15, § 2.

SEC. 77. Revision of the list. Said board shall, at least fifteen days before a general election, appoint a time and place for revising the check-list; and notice of the hearing thereon shall be attached to the copies of such list posted up, and lodged in the town clerk's office.

V. S. § 69.
R. L. § 67.
1880, No. 110, § 2.

SEC. 78. Duration of hearing. Said board shall meet at the time and place appointed and remain in session a reasonable time. It may adjourn from day to day; but no hearing for revising a check-list shall be held, and no alteration in such list made, after twelve o'clock at night of the Saturday preceding the day on which the list is to be used, if the general election at which it is to be used is held on Tuesday; and, in no case, shall there be a hearing by said board to revise a check-list or alterations made in the same within thirty-six hours of the time appointed for the general election at which such check-list is to be used.

1896, No. 2, § 1.
V. S. § 70.
1894, No. 1, § 1.
1882, No. 112, § 1.
R. L. § 68.
1868, No. 42, § 1.
1867, No. 24, § 4.
1866, No. 15, §§ 2, 3.

SEC. 79. Proceedings at hearing; corrected list. At the hearing for revising the check-list, said board shall hear and determine questions as to the list of voters, and may examine upon oath persons claiming the right to vote, require the production of naturalization papers; and it may administer the freeman's oath to a person who will be entitled to take the same at such election. Said board shall insert upon the check-list left in the town clerk's office the names of voters omitted and of those who will become of age on or before the day of such election, and erase therefrom the names of persons not entitled to vote, having first given notice as provided in the second following section. The list so corrected in the town clerk's office shall not be altered except by adding thereto the names of persons who shall, at such election, become qualified to vote, and the names of persons who are legal voters at such election but whose names are omitted from such completed check-list solely through clerical mistake. No person shall be entitled to have his name so added at such election who became of age before the time fixed for the completion of the check-list, unless his name was on the check-list when completed, but had been omitted from such check-list in copying. Said board shall have authority to make such additions and corrections to the completed check-list.

1902, No. 90, § 99.
V. S. § 71.
1886, No. 101, § 1.

SEC. 80. Residents of unorganized towns and gores. Residents of unorganized towns and gores may have their names placed upon the check-list in any town in the probate district in

which they reside, and shall be entitled to vote for state and county officers and representative to congress, at a general election in such town, subject to the same conditions under which residents of such towns are permitted to vote for said officers.

SEC. 81. Names not erased without notice. The board of civil authority shall not erase from the check-list the name of a person appearing thereon without having given forty-eight hours' notice in writing, that the right to have his name appear on the check-list has been challenged. Such notice shall also state the time and place of hearing and shall be signed by the clerk or chairman of said board and be served on the person challenged by a constable, police officer or one of said board, by delivering a copy thereof to him personally or by leaving the same at his last and usual place of abode.

SEC. 82. Election of congressmen and electors. At elections of representative to congress and electors, the check-list used at the preceding general election shall be used, with such alterations as the board of civil authority may make, subject to the foregoing provisions as to check-lists for general elections, after giving six days' notice of a hearing for revising the same.

SEC. 83. List conclusive. No person shall vote at a general election in a town for any of the officers to be elected at such election, unless his name is on the check-list; but such check-list may be amended and corrected at such election as provided in the fourth preceding section. No person's vote whose name is on the check-list shall be rejected; but a person shall not be allowed to vote for representative to the general assembly or justices, who is designated on the check-list as disqualified to vote for said officers.

SEC. 84. Filing; evidentiary force. The check-list used at a general election shall be filed in the town clerk's office after such election; and the original, or a copy thereof duly certified, shall be evidence in court that a person whose name is checked thereon, voted as indicated.

Check-List at Local Elections.

SEC. 85. Selectmen to prepare, when. In every town of more than four thousand inhabitants, and in other towns on petition in writing of twenty or more voters, the selectmen shall, at least thirty days before the annual town meeting, make a check-list of the persons qualified to vote at such meeting, and shall forthwith cause copies of such list to be posted in two or more public places in such town and a copy to be filed in the town clerk's office.

SEC. 86. Trustees to prepare, when. In every incorporated village of more than four thousand inhabitants or in which a check-list is required by special law, and in other incorporated villages on petition in writing of twenty or more voters, the trustees shall, at least thirty days before the annual village meeting, make a check-list of the persons qualified to vote at such meeting, and shall forthwith cause copies of such list to be posted in two

or more public places in such village and a copy to be filed in the village clerk's office.

V. S. § 78.
1886, No. 90, §§ 2,
3, 5.
R. L. § 2656,
1870, No. 86,
1868, No. 42,
1866, No. 15.

SEC. 87. **Villages; officers' duties.** The provisions of this chapter relating to check-lists in towns shall apply to check-lists in villages; and the duties of trustees, boards of civil authority and clerks of villages shall be the same as those of selectmen, boards of civil authority and clerks in towns.

V. S. § 79.
1886, No. 90, § 4.
R. L. § 2656,
58 Vt. 718.

SEC. 88. **Hearings.** At a hearing to revise the check-list to be used in a town or village meeting, the board of civil authority shall hear and determine questions as to such list of voters, and may examine upon oath persons claiming a right to vote, and shall insert upon the check-list left in the town clerk's office the names of voters omitted and erase therefrom the names of persons not entitled to vote.

V. S. § 80.
1886, No. 90, § 6.

SEC. 89. **Special meetings.** At special town and village meetings, the check-list used at the preceding annual meeting shall be used with such alterations as the board of civil authority may make, having given six days' notice of a hearing for revising such list.

V. S. § 81.
1886, No. 90, § 7.
1884, No. 60, § 3.
R. L. § 71.
1866, No. 15, § 3.
58 Vt. 718.

SEC. 90. **List conclusive.** No person shall vote at a town or village meeting at which a check-list is required to be used, unless his name appears thereon. No person's vote whose name is on such list shall be rejected, if a resident of the town or village on the day on which such meeting is held.

CHAPTER 9.

NOMINATIONS.

SECTIONS 91, 92.—Nominations by convention or committee.

SECTIONS 93, 94.—Nominations by certificate.

SECTION 95.—Requisites as to number of candidates and party names.

SECTIONS 96- 99.—Filing certificates.

SECTIONS 100, 101.—Vacancies.

SECTION 102.—Objections to certificates of nomination.

SECTION 103.—Posting nominations.

SECTIONS 104-107.—Offenses.

Nominations by Convention or Committee.

V. S. § 82.
1892, No. 1, § 4.
1890, No. 9, §§ 4, 5.

SEC. 91. **How made.** Nominations to public office may be made by convention of organized delegates or voters representing a political party which polled at least one per cent of the entire vote cast in the state at the preceding general election; or, if the office is to be filled by the voters of a subdivision of the state, nominations may be so made by a political party which polled at least one per cent of the entire vote cast in such subdivision at the preceding general election. A convention authorized to nominate candidates to a public office may, by resolution, authorize a committee appointed by it to make nominations to such office.

V. S. § 83.
1892, No. 1, § 5.
1890, No. 9, §§ 4, 5.

SEC. 92. **Requisites of certificate.** When a nomination is made under the provisions of the preceding section, a certificate

thereof shall be made, which shall contain the name of the office for which each person is nominated, his name and residence, and shall designate in not more than three words the party which such convention or committee represents. The certificate shall be signed by the presiding officer and secretary of such convention or committee, who shall add their residences and make oath to the same; and a certificate of such oath shall be attached to the certificate of nomination. When the nomination is made by a committee, the certificate of nomination shall contain a copy of the resolution authorizing such nomination.

Nominations by Certificate.

SEC. 93. How made. Nominations to public office may also be made by certificate of nomination signed by voters residing in the state, or, if the office is to be filled by the voters of a subdivision of the state, by voters residing in such subdivision, to the number of at least one per cent of the entire vote cast in the state or in such subdivision at the preceding general election.

SEC. 94. Requisites of certificate. When a nomination is made under the preceding section, the certificate shall contain the name of the office for which each person is nominated, his name and residence, and designate in not more than three words the political or other name which the signers shall select. The signatures to such certificate need not all be appended to one paper. Each voter signing such certificate shall state his residence and that he is a voter and make oath to the same, and a certificate of such oath shall be added thereto. The certificate of nomination, when so executed, may be filed in the same manner and with the same effect as a certificate of nomination made by a party convention or committee.

Requisites as to Number of Candidates and Party Names.

SEC. 95. Number of candidates; party name. No certificate of nomination shall contain the names of more candidates for any office than there are persons to be elected to such office, and no person shall sign more than one certificate of nomination for the same office. The political or other name selected by the signers of a certificate of nomination under the provisions of the two preceding sections shall be substantially different from the name of a political party authorized to make nominations and file certificates thereof under the provisions of the third and fourth preceding sections and also substantially different from the political or other name already selected by the signers of any other certificate of nomination then on file with the same officer for the same election.

Filing Certificates.

SEC. 96. Place of filing. Certificates of nomination for offices to be filled by the voters of the entire state or of any subdivision larger than a county shall be filed with the secretary of state; for offices to be filled by the voters of an entire county or

probate district, with the county clerk; for offices to be filled by the voters of a town or village, with the town or village clerk.

1898, No. 2, § 1.
V. S. § 88,
1892, No. 1, § 10,
1890, No. 9, § 10.

SEC. 97. Time of filing. Certificates of nomination to be filed with the secretary of state or a county clerk shall be filed not more than fifty nor less than thirty days before the day of election. Certificates of nomination to be filed with a town or village clerk shall be filed not more than thirty nor less than fifteen days before the day of election.

V. S. § 89,
1892, No. 1, § 9,
1890, No. 9, § 9.

SEC. 98. Preservation. The secretary of state and the several clerks shall preserve in their respective offices all such certificates, and the same shall be open to public inspection.

V. S. § 90,
1892, No. 1, § 11,
1890, No. 9, § 11.

SEC. 99. State nominations, how certified. The secretary of state, at the expiration of the time within which certificates of nomination may be filed with him, shall forthwith certify to the county clerk of each county in which any person may vote for a candidate named in such certificates, the name of each candidate, together with the other details mentioned in such certificates.

Vacancies.

R. 1906, § 98.
1898, No. 2, § 2.
V. S. § 91,
1892, No. 1, § 12,
1890, No. 9, § 12.

SEC. 100. Withdrawals or deaths. A person whose name has been presented as a candidate may cause it to be withdrawn by notice in writing to the officer with whom the original certificate was filed, at least twelve days before the day of election, that he declines such nomination; and no name so withdrawn shall be printed upon a ballot. If a candidate duly nominated withdraws as herein provided or dies before the day of election, the vacancy may be filled by the political party or other persons who made the original nomination, in the manner provided for making such nomination; or, if the nomination was made by convention or caucus, in such manner as the convention or caucus has previously provided; or, if there is no such provision, then by the regularly elected general or executive committee representing the political party holding such convention or caucus.

V. S. § 92,
1892, No. 1, § 12.

SEC. 101. Certificate to fill vacancy. The certificate of nomination made for filling such vacancy shall state, in addition to the other facts required to be stated in certificates of nomination, the facts causing the vacancy, the name of the original nominee and the measures taken in accordance with the requirements for filling the vacancy, and shall be signed and sworn to. If the original nomination was not made by a convention or committee, then the same voters who made the original nomination may file a new certificate executed in like manner containing the name of a candidate to fill the vacancy and containing, in addition to the other facts required, a statement of the facts causing the vacancy and the name of the original nominee.

Objections to Certificates of Nomination.

V. S. § 93,
1892, No. 1, § 13,
1890, No. 9, § 13.

SEC. 102. Prima facie validity; contesting. Certificates of nomination provided by this title which are in apparent conformity with law shall be valid, unless objection thereto is made

in writing at least ten days before the day of election. If such objection is made, notice thereof shall forthwith be mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence as given in the certificate of nomination. The officer with whom the original certificate was filed, shall, in the first instance, pass upon the validity of such objections; and his decision shall be final, unless an order is made by a judge or court of competent jurisdiction, upon notice duly given, pointing out the defect in the certificate of nomination.

Posting Nominations.

SEC. 103. **Duties of officers.** The clerk of each county shall, at least six days before a general election, cause to be delivered to the constable of each town and the clerk of each city in such county, five copies of a printed list containing the name, residence and party or other designation of each candidate nominated by certificate filed with such county clerk, or whose nomination has been certified to such county clerk by the secretary of state; and such constables and city clerks shall forthwith cause one of such lists to be posted at the place where the ballots are to be cast and in at least four other public and conspicuous places in such town or city. Constables in towns, and city and village clerks shall cause similar lists of candidates nominated by certificates filed with town, city or village clerks respectively, to be posted in like manner at least six days before the election at which such candidates are to be voted for.

Offenses.

SEC. 104. **Payment of money to secure nomination.** No person shall, directly or indirectly, give, pay, expend or contribute, or promise to give, pay, expend or contribute, money or other valuable thing, in order to promote his own nomination, or the nomination of another person, as a candidate for a public office, by caucus, convention or nomination papers, except for personal expenses as provided in the following section.

SEC. 105. **Same; exception.** A person may incur and pay, in order to promote his own nomination, or the nomination of another person, as a candidate for a public office, his own personal expenses for traveling, for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he may state his position or views, or the position or views of another person, upon public or other questions, for stationery and postage, for telegraph, telephone and other regular messenger service, and for other petty personal expenses; but all such expenses shall be limited to those which are directly incurred and paid by him.

SEC. 106. **Publishers to receive no compensation for supporting candidacy.** No publisher of a newspaper, or other publication issued at regular intervals, in this state, shall, directly or indirectly, receive or accept money or other valuable thing in payment or compensation for the support or advocacy in such

newspaper or publication of the nomination of any person as a candidate for a public office in this state.

1902, No. 6, § 4.

SEC. 107. Penalty. A person who violates a provision of the three preceding sections shall be fined not less than one hundred dollars.

CHAPTER 10.

REGULATION OF CAUCUSES.

SECTIONS 108, 109.—Executive or general committees.

SECTIONS 110-122.—Registration and check-lists.

SECTIONS 123, 124.—Illegal voting and bribery.

SECTIONS 125, 126.—Time of holding caucuses.

SECTION 127.—Ballots.

SECTIONS 128, 129.—Clerks.

SECTION 130.—Penalty.

Executive or General Committees.

1904, No. 2, § 1.

SEC. 108. Names of committee certified. The chairman and secretary of the state, congressional, county and town convention or caucus of every organized political party shall, within ten days after such convention or caucus, file with the secretary of state the names of the members of the state or congressional executive or general committee of such political party and with the county or town clerk the names of the members of the county or town executive or general committee of such party, as the case may be.

1904, No. 2, § 2.

SEC. 109. Conclusiveness; objections. The executive or general committee in office as shown by the certificate filed as provided in the preceding section shall be recognized as such officers of their respective political parties. Objection to a certificate so filed shall be made in writing and filed within ten days of the time of filing such certificate, with the officer with whom such certificate is filed; and such objection shall be heard and determined as is provided for hearing and determining objections to nominations in section one hundred and two.

Registration and Check-Lists.

1904, No. 2, § 3.

SEC. 110. Request for check-list. At caucuses to elect delegates to conventions to nominate state and county officers and representatives to congress and representatives to the general assembly, the voting shall be by ballot and check-list, if a request therefor, in writing, signed by persons qualified to vote at a general election equal in number to five per cent of the vote cast for governor in such town at the last general election, is filed in the town clerk's office on or before the fifteenth day of May in each year in which a general election is held.

1904, No. 2, § 4.

SEC. 111. Blank certificates of intention. The secretary of state shall, on or before the first day of March in each year in which a general election is held, furnish at the expense of the state to the several town clerks a sufficient number of blank cer-

tificates for all persons qualified to vote at a general election. Such certificates shall be so prepared that they may be attached to blank inventories and easily detachable therefrom, and shall be in the following form:

“It is my intention to act and vote with the _____ party at the coming general election.

Signed _____.”

One of such certificates shall be attached to each inventory furnished a male resident of a town who is required to make an inventory. If, for any reason, a person qualified to vote at a general election is not required to make an inventory, such blank certificate shall be furnished him by the listers of such town.

SEC. 112. Voter to declare intention. Every person qualified to vote at a general election who desires to vote at any caucus specified in the second preceding section shall insert in such blank the name of the party with which he intends to act and vote at such election, sign and deliver the same to the lister to whom he delivers his inventory, and, if he is not required to make an inventory, he shall deliver such certificate to one of the listers on or before the twentieth day of May; provided a petition requesting such a use of the inventories, signed by persons qualified to vote at a general election equal in number to five per cent of the vote cast for governor in that town at the last general election, has been filed in the town clerk's office between March fifteenth and April first in the year in which such caucuses are to be held. A person who fails to return a certificate shall not be eligible to vote at any such caucus held during such year. The listers shall detach all certificates attached to inventories and, on or before the twenty-second day of May, return such certificates to the town clerk.

1906, No. 1, § 1.
1904, No. 2, § 5.

SEC. 113. Filing. A town clerk shall file and arrange in alphabetical order all certificates so delivered to him and shall receive therefor five cents for each certificate up to three hundred, two cents each for all in excess of three hundred up to one thousand, and one cent each for all in excess of one thousand, to be paid out of the town treasury on the order of the proper officer.

1904, No. 2, § 6.

SEC. 114. List, who to prepare. On or before the twenty-fifth day of May in each biennial year, if a petition requesting the use of a check-list has been filed as required by the fourth preceding section, the selectmen in each town and the proper officers in each city shall prepare a caucus check-list for such town or city to be used at the caucuses held during such year. Such list shall be prepared as provided in the two following sections.

1906, No. 1, § 2.
1904, No. 2, § 7.

SEC. 115. Party list. If a petition has been filed as required by the third preceding section, such list shall be so arranged that the names of all legal voters who have certified their intention of acting and voting with the republican party shall be arranged in alphabetical order on the left of such list; those certifying their intention of acting and voting with the

1906, No. 1, § 2.
1904, No. 2, § 7.

democratic party next in order on the right of the space assigned to the republican party; those certifying their intention of acting and voting with the prohibition party next in order on the right of the space assigned to the democratic party; and next in order on the right those, if any, of other political parties. The spaces assigned to the several parties on such list shall be separated by perpendicular lines at least one-eighth of an inch wide and shall be designated by placing at the top of each, in clear, legible type, the name of the party to which such space is assigned.

1906, No. 1, § 12.
1904, No. 2, §§ 7.

SEC. 116. Alphabetical list. If no petition has been filed as required by the fourth preceding section, said selectmen or proper officers shall make an alphabetical list of all persons qualified to vote at the next general election. At the top of the entire list shall appear the words "Caucus Check-List for [*name of town or city*] Year———."

1906, No. 1, § 12.
1904, No. 2, §§ 7.

SEC. 117. Residence of voter stated; list to be posted. In all check-lists, against the name of each person appearing thereon, shall be stated the street and number of his residence, if his residence is so designated. The selectmen or the proper officers in a city shall cause copies of a list prepared as provided in this chapter to be posted immediately in at least four public places in such town or city, and a copy to be filed in the town or city clerk's office.

1904, No. 2, § 8.

SEC. 118. Revision of list. The board of civil authority in each town shall, on or before the twenty-seventh day of May, appoint a time and place for revising such check-list; and notice thereof shall be attached to the copies of such list posted and lodged in the town clerk's office as provided in the preceding section.

1904, No. 2, § 9.

SEC. 119. Duration of hearing. Said board shall meet at the time and place appointed and remain in session a reasonable time and may adjourn from day to day, but such list shall be completed and lodged in the town clerk's office on or before the fifth day of June following.

1906, No. 1, § 3.
1904, No. 2, §§ 10.

SEC. 120. Powers of board. At the hearing for the revision of such list, said board shall hear and determine all questions as to the right of persons to have their names inserted in such list and may examine upon oath persons claiming the right to have their names inserted therein, or such witnesses as may be presented for examination. In determining whether a person is qualified to vote at a general election, said board shall be governed by the law regulating the right to vote at such election; and, if a party check-list is used, in determining to which party the person shall be assigned, his certificate of intention shall be conclusive.

1904, No. 2, § 11.

SEC. 121. Notice of erasures. Said board shall insert in the copy of the list filed in the town clerk's office the names of the voters omitted, and erase therefrom the names of persons not entitled to vote, having first given such persons notice of its intention so to do, if they are residents of such town. Such notice shall be in writing and shall state the time and place of

hearing thereon and shall be delivered personally by a member of the board, if such persons are in town, and, if not, shall be left at their last and usual place of abode.

SEC. 122. **List conclusive.** Such list shall, when completed, be the caucus check-list for the year in which it is prepared; and no person whose name does not appear thereon shall be allowed to vote at any caucus specified in this chapter. 1906, No. 1, § 4.
1904, No. 2, § 12.

Illegal Voting and Bribery.

SEC. 123. **Illegal voting.** No person shall vote or attempt to vote at a caucus specified in this chapter held by a party other than the one upon whose check-list his name appears, or help, aid or incite any other person to vote at any other caucus than that of the party upon whose check-list said person's name appears; and no person shall vote in more than one caucus specified in this chapter, in any one year, for delegates for the nomination of state and county officers and for representative to the general assembly. 1906, No. 1, § 4.
1904, No. 2, §§ 12, 17.

SEC. 124. **Bribery.** No person shall, by the use of money or other valuable thing, directly or indirectly, influence or attempt to influence, control or alter the vote of a person at a caucus specified in this chapter. 1904, No. 2, § 18.

Time of Holding Caucuses.

SEC. 125. **Time limit.** No caucus specified in this chapter shall be held prior to the eighth day of June. 1904, No. 2, § 13.

SEC. 126. **Caucuses to elect delegates.** All caucuses of a party to elect delegates to the conventions specified in this chapter shall be held on the same day, which shall be fixed by the party executive or general committee of the political division for which the convention is to be held. 1904, No. 2, § 14.

Ballots.

SEC. 127. **How prepared and furnished.** Ballots used at the caucuses specified in this chapter shall be of uniform size and color and shall be prepared and furnished by the town committee of the political party holding the caucus and shall be paid for by the town. No name shall be printed on the ballots, unless written application therefor is made to said committee at least twenty-four hours before the opening of a caucus. Blank ballots shall be furnished at the caucus for those who desire to write names to be voted for thereon. 1904, No. 2, § 15.

Clerks.

SEC. 128. **Ballot clerks; appointment; duties.** Each town committee of each political party shall, at least twenty-four hours prior to the time appointed for holding a caucus by such party, appoint a sufficient number of ballot clerks to have charge of the voting at such caucus and to properly transact the busi- 1906, No. 1, § 5.
1904, No. 2, § 16.

ness thereof; and a certificate of such appointment shall be forthwith filed in the town clerk's office.

1906, No. 1, § 6.

SEC. 129. Town clerk and assistants; duties. The town clerk and assistants who may be appointed by him and who shall be paid as assistant clerks at general elections shall attend each caucus held under the provisions of this chapter and check the names of persons voting therein on such check-list. Such check-list so checked shall be lodged in the town clerk's office and be open to public inspection. No change in such check-list or in the checking of names thereon shall be made by any person, except as provided by this chapter.

Penalty.

1906, No. 1, § 7.
1904, No. 2, § 19.

SEC. 130. For violating a provision of this chapter. A person who violates a provision of this chapter shall be fined not more than one hundred dollars.

CHAPTER 11.

BALLOTS.

SECTIONS 131-133.—Printing of ballots.

SECTIONS 134-141.—Form of ballots.

SECTIONS 142-146.—Disposition of ballots.

SECTION 147.—Instructions.

Printing of Ballots.

V. S. § 95.
1892, No. 1, § 2, 3.
1890, No. 9, § 2, 3.

SEC. 131. Printing and distribution. All ballots to be cast at a general election shall be printed and distributed at the expense of the county in which they are to be used, under the direction of the county clerk, except ballots for representative to the general assembly and for justices, which shall be printed and distributed at the expense of the town in which they are to be used, under the direction of the town clerk. All ballots to be cast at local elections shall be printed and distributed at the expense of the town or village in which they are to be used, under the direction of such town or village clerk.

V. S. § 96.
1892, No. 1, § 16.
1890, No. 9, § 16.

SEC. 132. Printed when. The ballots provided by county clerks shall be printed and ready for inspection by the candidates and their agents at least eight days before a general election; those provided by town and village clerks, at least five days before the election at which they are to be used; and in each case before the same are sent in sealed packages, as hereinafter provided.

1902, No. 2, § 1.
1898, No. 4, § 1.
V. S. § 97.
1892, No. 1, §§ 16, 18.
1890, No. 9, § 16.

SEC. 133. Color; general requisites. Said clerks shall cause such ballots to be printed on white paper, except the ballots used for voting for justices, which shall be printed on red paper; and the ballots shall contain the names of all persons whose certificates of nomination have been filed with them or whose nominations have been certified to them. They shall place after the name of each candidate, on the same line, his residence

and the name of the party or other political organization to which he belongs.

Form of Ballots.

SEC. 134. Generally. Nominations for state, district and county officers, except justices, shall be placed on the same ballot. R. 1906, § 121.
V. S. § 98.
1894, No. 162, § 99. Nominations for electors, representative to the general assembly and justices shall be placed on a separate ballot in the case of each office. Nominations for all the officers to be voted for at a local election shall be placed on the same ballot.

SEC. 135. Candidates may select party. A person nominated for the same office by more than one political party, either by convention or by certificate of nomination, or by certificate of nomination signed by persons not representing a political party, may, at least fifteen days before election in the case of state, district and county nominations, and at least ten days in case of town nominations, elect as to which party ticket or tickets his name shall be printed on as a candidate; and he shall notify the secretary of state or the county or town clerk, as the case may be, in writing, of such choice; and his name shall be printed only on the party ticket or tickets which he so elects. 1904, No. 3, § 1.

SEC. 136. Party columns. Upon all ballots to be cast at a general election, the nominations of each political party shall be arranged in a separate column under the head of the party designation. The first column on the left side of the ballot shall contain the names of the nominees of the republican party; the second column, those of the democratic party; the third column, those of the prohibition party; and the order of such other nominations as shall be made shall be determined by the clerk whose duty it is to prepare the ballots, in such manner as most clearly to distinguish the nominations from each other. Upon ballots for electors, the names of the candidates for president and vice-president may be added to the party or political designation. Each party ticket shall be separated from other party tickets and bordered on either side by black parallel lines at least one-eighth of an inch in width. Over each column and under the party designation, except on ballots for representative to the general assembly, shall be placed a blank square measuring not less than one-half an inch on each side. 1906, No. 3, § 1.
1904, No. 4, § 1.
V. S. § 99.
1892, No. 1, §§ 16,
18.
1890, No. 9, § 18.

SEC. 137. Local elections. Upon all ballots to be cast at local elections under the provisions of number one of the acts of eighteen hundred and ninety-two, the names of candidates shall be arranged under the designation of the respective offices in alphabetical order according to the surnames; but names of candidates for the same office, but for different terms of service therein, shall be arranged in groups according to the length of their respective terms. 1906, No. 3, § 2.

SEC. 138. Constitutional amendments. When the question of approving a constitutional amendment or other question is to be submitted to the people, it shall be printed upon the ballots below the lists of candidates; and the secretary of state shall, not less than twenty-five days before a general election, duly certify V. S. § 100.
1892, No. 1, §§ 14,
18.
1890, No. 9, § 14.

to each county clerk the question to be submitted, in order that the same may be properly printed thereon.

V. S. § 101.
1892, No. 1, § 18.
1890, No. 9, § 18.

SEC. 139. Blank spaces for marking. There shall be left upon the ballots underneath the name of each candidate or group of candidates a blank space in which a voter may insert the name of any person for whom he desires to vote, other than the candidates regularly nominated. The ballots shall be so printed as to give each voter a clear opportunity to designate by a cross (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates and his answer to the question submitted; and on the ballot may be printed such words as will aid the voter to do this, as "vote for one," "vote for three," "yes," "no," and the like.

1900, No. 3, § 1.
V. S. § 102.
1892, No. 1, § 18.
1890, No. 9, § 18.

SEC. 140. Indorsements. Upon each ballot shall be indorsed the words "official ballot," followed by the name of the town, ward or village in which it is to be used, the date of the election and a fac-simile of the signature of the clerk causing the same to be printed, with his official title.

V. S. § 103.
1892, No. 1, § 12.

SEC. 141. Death or withdrawal. When a candidate dies or withdraws and the vacancy is filled as hereinbefore provided, if the ballots have not been printed, the name supplied for the vacancy shall be inserted instead of the original nomination. If they have been printed, other ballots containing the new nomination instead of the original shall, when practicable, be printed. When there is not sufficient time to print new ballots, the name so supplied may be pasted on those already furnished by the officer who procured the printing of the same.

Disposition of Ballots.

V. S. § 104.
1892, No. 1, § 17.
1890, No. 9, § 17.

SEC. 142. Sample ballots. At least five sample ballots for each polling place, printed on tinted paper, but in all other respects the same as official ballots, shall be provided by the clerks whose duty it is to prepare the official ballots and be delivered to the same officers to whom cards of instruction are required to be furnished.

V. S. § 105.
1892, No. 1, § 19.
1890, No. 9, § 19.

SEC. 143. Blocks. All ballots, except sample ballots, shall, when printed, be fastened together in blocks of one hundred each and in such manner that each ballot may be detached.

1898, No. 3, § 1.
V. S. § 106.
1892, No. 1, §§ 20,
22.
1890, No. 9, § 20.

SEC. 144. Number. One hundred ballots for state and county officers, representative to congress and electors shall be printed and furnished to each polling place, for every fifty voters or fraction thereof who voted at such polling place at the last election for governor; for other officers, there shall be printed and furnished three times that number, and in cities of more than ten thousand inhabitants, six thousand extra ballots.

V. S. § 107.
1892, No. 1, § 22.
1890, No. 9, § 22.

SEC. 145. Sending to polling places. The several clerks shall transmit the ballots prepared by them to the officers whose duty it is to preside at each polling place, so that they will be received by such presiding officers at least forty-eight hours before the hour for opening the polls. Such ballots shall be sent in sealed packages by mail or in some other safe manner, with

marks on the outside clearly designating the polling place for which they are intended and the number of ballots enclosed. Presiding officers shall, on delivery to them of such packages, return receipts therefor to the clerk from whom the same were received.

SEC. 146. Supplying deficiencies. If the ballots to be furnished to a polling place are not duly delivered, or if, after delivery, they are destroyed or stolen, or if the number proves insufficient, the presiding officer shall cause other ballots to be prepared substantially in the form of those so wanting; and upon delivery of such ballots at the polling place by him, accompanied by his statement under oath, which shall be recorded by the town or village clerk, that the same have been so prepared and furnished by him, and that he failed to receive the original ballots, or that the same have been destroyed or stolen, or that the number has proved insufficient, the ballot clerks shall cause such substituted ballots to be used in place of those wanting.

Instructions.

SEC. 147. Clerks to prepare. The several clerks whose duty it is to prepare the official ballots shall prepare full instructions for the guidance of voters in regard to obtaining ballots, the manner of marking them, the method of obtaining assistance in marking such ballots, and as to obtaining new ballots in place of those accidentally spoiled; and they shall cause such instructions, together with such sections as provide penalties for offenses against the purity of elections, to be printed in large clear type, on separate cards, to be called cards of instruction. They shall, at least five days before the date of such election, furnish to the officer whose duty it is to preside at each polling place, at least five such cards and the sample ballots provided for in this chapter. Such officer shall forthwith post one of such cards of instruction and one sample ballot in plain view in the room where the ballots are to be cast and at least one of such cards and one sample ballot in each post-office in his town and one or more of such cards and sample ballots in and about the polling place.

CHAPTER 12.

WARNING AND CONDUCTING ELECTIONS.

- SECTIONS 148-150.—Warning elections.
- SECTIONS 151-154.—Preparation of polling places.
- SECTIONS 155-165.—Additional polling places.
- SECTIONS 166-174.—Election officers.
- SECTIONS 175-181.—Process of voting.
- SECTION 182.—Exceptions.

Warning Elections.

SEC. 148. Record. Warnings under the provisions of this title shall be recorded by the town clerk before being posted.

State Officers.

V. S. § 111.
 1892, No. 2, § 1.
 R. L. §§ 72, 73.
 G. S. 1, § 8.
 R. S. 1, § 8.
 1838, No. 15, § 1.
 R. 1797, p. 546, § 2.
 1793, p. 14, § 1.
 R. 1787, p. 49, § 1.

Representatives to Congress.

G. S. §§ 1, 35.
 1849, No. 19.
 1842, No. 4, § 2.
 R. S. 1, § 31.
 1822, No. 11.
 1822, p. 23.
 1818, p. 69.
 1812, p. 132.
 1802, p. 62.
 1796, p. 30.
 1794, p. 41.
 1792, p. 85.
 1791, Jan., p. 25.

V. S. § 112.
 1892, No. 1, § 33.
 1884, No. 67.
 R. L. § 2618.

SEC. 149. General elections. The constable or, in his absence, the town clerk or, in his absence, a selectman, shall, in each town, not less than twelve nor more than twenty days before the day of a general election other than that for the election of electors, and, in the latter case, not less than six nor more than fifteen days before the day of holding such election, post a notice in writing in three public places in the town, warning the free-men of the town to meet on the day of such election, at the usual place of holding general elections, to elect officers to be chosen on that day; and such election shall be called at ten o'clock in the forenoon in towns whose population does not exceed two thousand and nine o'clock in the forenoon in towns of larger population.

Presidential Electors

G. S. 1, § 54. 1848, No. 11, § 1. 1824, p. 4, § 1.
 1860, No. 19. R. S. 1, § 52. 1791, p. 37.

SEC. 150. Local elections. Annual or special town or village meetings held for the purpose of electing officers in towns or villages of more than four thousand inhabitants shall be warned to meet at nine o'clock in the forenoon, and the polls shall be opened at that hour for the election of the officers to be chosen at such meeting.

Preparation of Polling Places.

1904, No. 6, § 1.
 V. S. § 116.
 R. L. § 78.
 1876, No. 92, § 2.
 1867, No. 24, § 2.

SEC. 151. Sets of ballot boxes. The board of civil authority may direct the opening of sets of ballot boxes, not more than five in a town, or in a city not more than the number of wards in such city, in the room where an election is held and divide the check-list into the same number of parts; and no person shall vote except at the place provided for that portion of the list which contains his name. When additional sets of ballot boxes are so opened, each set of boxes shall be considered a separate polling place so far as relates to the providing of voting booths and guard rails and the appointment of ballot clerks, and receiving, marking and depositing of ballots.

V. S. § 113.
 1894, No. 2, § 1.
 1892, No. 1, §§ 24,
 25.
 1890, No. 9, § 24.

SEC. 152. Location and equipment. At least five days before a general or local election, the board of civil authority in each town, the officer whose duty it is to sign the warning in each city and the trustees in each village, shall determine the number and situation of the polling places provided for in the preceding section in such town, city or village; and the first constable in towns or, when he is absent or incapacitated, the chairman of the board of selectmen, and the aforesaid officers in cities and villages, shall cause the same to be provided with a sufficient number of voting booths in which voters may conveniently mark their ballots and in the marking thereof be screened from the observation of others; and such booths shall be provided with the proper conveniences for marking ballots.

1900, No. 3, § 1.
 V. S. § 111.
 1892, No. 1, § 25.
 1890, No. 9, § 25.

SEC. 153. Booths and guard rails. At each polling place, there shall be at least one voting booth; and, when there are more than fifty voters qualified to vote at such polling place, there shall be an additional voting booth for each additional fifty

voters or fraction thereof exceeding twenty-five and one additional booth for every five hundred voters or fraction thereof. Each booth shall be at least three feet square and contain a shelf at least one foot wide, extending across one side of such booth at a convenient height for writing. A guard rail shall be so constructed and placed that only such persons as are inside such rail can approach within six feet of the ballot boxes and voting booths. Neither the ballot boxes nor the voting booths shall be hidden from those outside the guard rail.

SEC. 154. Ballot boxes. The officers whose duty it is to provide voting booths shall also furnish suitable ballot boxes for such polling places at the expense of the town or village for which the same are furnished. There shall be at least one box for votes for state and county officers and representative to congress, one box for votes for representative to the general assembly, one box for votes for justices, and one box for votes for electors. There shall also be provided a sufficient number of boxes for use at local elections. The ballot boxes shall be properly designated, and the box provided to receive votes for justices of the peace shall be painted red and the words "Justices of the Peace" plainly painted thereon, and the box provided to receive votes for representative to the general assembly shall be painted white and the words "Town Representative" plainly painted thereon. When not in use, such boxes shall be in the custody of the clerk of the town or village for which the same are provided.

1902, No. 2, § 2.
V. S. § 115.
1892, No. 1, § 25.
1884, No. 69, § 2.
R. L. § 74.
G. S. 1, § 7.
1859, No. 1, § 1.
R. S. 1, § 7.
1815, p. 159, §§ 1, 2.
R. 1797, p. 546, § 1.

Additional Polling Places.

SEC. 155. Selectmen may determine. The selectmen in a town having two or more villages, incorporated or otherwise, each containing fifty or more legal voters at a general election, may, in their discretion, or, on the petition of ten or more legal voters in such town, shall, at least forty days before a general election, determine the number of polling places in such town, not to exceed the number of such villages and to be located therein. Existing polling places shall be known as central polling places, and those herein provided for shall be known as additional polling places.

R. 1906, § 141.
1906, No. 6, § 1.
1904, No. 5, § 1.

SEC. 156. Subdivision of check-list. In a town having additional polling places, the selectmen shall, in making the check-list for general elections, subdivide such list and make an alphabetical list for each polling place and shall put each voter on such subdivision of the check-list for the polling place where he can most conveniently vote.

1904, No. 5, § 2.

SEC. 157. Equipment. The board of civil authority shall, in a town entitled to additional polling places, establish the same in suitable rooms in the villages of such town. The officer whose duty it is to equip the central polling place with voting booths, ballot boxes and guard rails shall, in like manner, equip the additional polling places in such town.

R. 1906, § 143.
1904, No. 5, §§ 1, 3.

SEC. 158. Check-list; ballots. The town clerk of a town

R. 1906, § 144.

1904, No. 5, § 4. having additional polling places shall furnish such places with the proper subdivision of the check-list provided for in the second preceding section. The presiding officer of the central polling place shall distribute the ballots received by him for such town to be used at each general election, to the presiding officer of each additional polling place in the proportion required by the number of voters on its subdivision of the check-list.

1904, No. 5, § 5. **SEC. 159. Posting list.** The proper subdivision of the check-list shall, at least thirty days prior to a general election, be posted in a public place in the village where the polling place is established; and a copy thereof shall be lodged with the town clerk. When such check-list is completed, it shall be filed in the town clerk's office and two certified copies thereof delivered to the election officers of such polling place. Such check-list shall, in all other respects, conform to the provisions of law relating to the check-list of voters. A person whose name is not on a check-list shall not be allowed to vote at a general election.

1904, No. 5, § 6. **SEC. 160. Clerks and inspectors.** When the board of civil authority in a town appoints the ballot and assisting clerks, it shall appoint in like manner ballot and assisting clerks for the additional polling places. It shall also appoint three inspectors of election for each additional polling place, two of such inspectors to be taken from the party casting the largest number of votes at the last general election and the other from the party casting the next largest number of votes at such election. One of said inspectors shall be the presiding officer and one the assistant clerk for such polling place. The officers so appointed shall be sworn before entering upon the duties of their appointment. It shall be the duty of the assistant clerk at each additional polling place to record the votes cast for representative to the general assembly at such polling place and return the same, certified by him, to the town clerk, who shall record the same as a part of the record of such election. A certified copy of such record shall be evidence in court.

1904, No. 5, § 7. **SEC. 161. Voting.** The voting at each additional polling place shall be conducted as the voting at the central polling place.

1904, No. 5, § 8. **SEC. 162. Counting and returning votes for representative.** The votes given for representative to the general assembly at an additional polling place shall be counted by its inspectors of election at the same time and in the same manner as the votes given for representative to the general assembly are counted at the central polling place; and the number of votes cast at each additional polling place shall thereupon be communicated by its assistant clerk, either in person or by telegraph or telephone, to the presiding officer at the central polling place. The canvassing board at the central polling place shall ascertain the number of votes so reported in connection with the votes cast at the central polling place, and said presiding officer shall declare the result according to the whole number of votes so counted and make other required statements. In like manner, subsequent ballotings for representative to the general assembly

shall be conducted at an additional polling place and reported therefrom.

SEC. 163. Boxes sealed, etc. At the time when the boxes containing votes for state and county officers and representative to congress are required to be closed and turned at the central polling place in a town, the boxes containing like votes at each additional polling place shall be closed, sealed securely by the presiding officer and conveyed forthwith by the assistant clerk to the presiding officer of the central polling place, who shall deliver the same to the canvassing board of such central polling place. Said board shall count the votes found in such boxes in connection with the votes found in like boxes at the central polling place and make returns of the whole number so counted.

SEC. 164. Ballots preserved. The votes cast at each bal- loting for town representative at an additional polling place shall be preserved, securely sealed up by the presiding officer and conveyed by the assistant clerk to the presiding officer of the central polling place to be delivered by him to the town clerk, who shall keep the same according to law.

SEC. 165. General laws apply. The provisions of law relating to a general election at a central polling place shall, if no other provision is made, apply to such an election at an additional polling place.

Election Officers.

SEC. 166. Generally. At elections in towns, the election officers shall consist of the presiding officer, the board of civil authority, the assistant, ballot and assisting clerks and, as provided, inspectors of election. At elections in cities and villages, the election officers shall consist of the officers who by law conduct elections therein, together with the ballot and assisting clerks. No person, other than the election officers and voters admitted as hereinafter provided, shall be permitted within the guard rail, except by authority of the election officers for the purpose of keeping order and enforcing the law.

SEC. 167. Presiding officer. The presiding officer at general elections in towns shall be the first constable or, in his absence or disqualification, one of the selectmen or, in their absence or disqualification, a justice. A constable, selectman or justice shall be disqualified from presiding if he is knowingly a candidate for representative to the general assembly, or for senator, assistant judge of the county court, judge of probate, sheriff or state's attorney. At local elections in towns, the moderator shall perform the duties imposed by this title upon the presiding officer. At elections in cities and villages, the presiding officer at each polling place shall be the official charged with that duty by the laws relating to such cities and villages.

SEC. 168. Ballot clerks. At least five days before an election, the board of civil authority in each town and the trustees in each village shall appoint four ballot clerks for each polling place within their jurisdiction and shall fill any vacancy that occurs before the close of such election. Two of such clerks shall

1904, No. 5, § 9.

1904, No. 5, § 10.

1904, No. 5, § 11.

R. 1906, § 152.

1904, No. 5, § 6.

1900, No. 3, § 1.

V. S. § 117.

1892, No. 1, §§ 24,

25.

1890, No. 9, § 33.

V. S. § 118.

1884, No. 59, § 1.

1882, No. 113.

R. 1, § 75.

G. S. 1, § 9.

R. S. 1, § 9.

1838, No. 15, § 2.

R. 1797, p. 547, § 3.

1793, p. 14.

R. 1787, pp. 49, 50,

§§ 1, 2.

1906, No. 4, § 1.

V. S. § 119.

1894, No. 2, § 1.

1892, No. 1, § 24.

1890, No. 9, § 24.

be appointed from the party casting the largest number of votes and two from the party casting the next largest number of votes at the last general election. No candidate for any office to be voted for at a general election whose name is upon the state or county ticket or who is a candidate for representative to the general assembly shall be appointed a ballot clerk or permitted to go inside the guard rail during the voting, except for the purpose of voting.

1900, No. 3, § 1.

SEC. 169. Assisting clerks. The officers in each town or village whose duty it is to appoint the ballot clerks shall, previous to the day of an election, appoint two persons for each voting booth, to be called assisting clerks, whose duty it shall be to remain in their respective booths during the time for voting and assist in the marking of ballots, but shall offer no assistance unless called upon by the voter. One person for each booth shall be appointed from the party casting the largest number of votes and one person from the party casting the next largest number of votes at the last general election.

R. 1906, § 156.
1902, No. 3, § 1.

SEC. 170. Compensation. The compensation of the assistant, ballot and assisting clerks in each town shall be fixed by the board of selectmen.

V. S. § 120.
1894, No. 2, § 1.
1892, No. 1, §§ 24,
26.
1890, No. 9, §§ 24,
26.

SEC. 171. Duties of ballot clerks. The ballot clerks shall have charge of the ballots at an election and furnish them to the voters as hereinafter provided and, with the board of civil authority, shall canvass and count the votes cast at such election. At each polling place, a certified copy of the check-list shall be furnished to one of the ballot clerks designated by the board of civil authority. The ballot clerks shall be under the supervision of the presiding officer, keep the ballots within the polling place and in plain view of the public and deliver them only to qualified voters.

V. S. § 121.
1894, No. 2, § 1.
1892, No. 1, § 27.
1886, No. 90, § 5.
R. L. § 69.
1866, No. 15, § 4.

SEC. 172. Checking names. The town clerk or his assistant or, in their absence, one of the selectmen, shall check the names of persons voting on such check-list, or a certified copy thereof, by making a mark opposite each name for each vote cast so as to indicate the officers voted for; and, in towns having over fifteen hundred names on such list, the town clerk may appoint a sufficient number of assistant clerks to assist in performing the above duty. At village elections, the village clerk or, in his absence, one of the trustees, shall check the names of persons voting on the check-list in the same manner as in towns.

V. S. § 122.
1882, No. 114, § 1.
R. L. § 79.
1868, No. 42, § 3.
1867, No. 24, § 3.

SEC. 173. Officers for extra sets of boxes. When additional sets of ballot boxes are opened under the provisions of section one hundred and fifty-one, the proper presiding officer shall have the general direction of the election, notify the voters at which place each subdivision of the check-list shall vote and receive the votes at one of such places. At each other place of voting, the votes shall be received by one of the board of civil authority named by the board; and the names of persons voting shall be checked by an assistant clerk.

V. S. § 123.
1884, No. 59, § 2.

SEC. 174. Town clerk disqualified. At general elections, when the town clerk is a candidate for representative to the gen-

eral assembly, all the duties imposed upon him or his assistant by the two preceding sections shall be performed by one of the selectmen or, in their absence, by a justice.

Process of Voting.

SEC. 175. Ballots produced. On the opening of the polls v. s. § 124. 1892, No. 1, § 23. 1890, No. 9, § 23. at each polling place, the presiding officer shall produce the sealed package of official ballots and publicly open it and deliver one block of ballots to the ballot clerks. The other blocks of ballots, if any, shall be retained by the presiding officer, until they are needed for the purpose of voting.

SEC. 176. Voter admitted behind rail. A qualified voter v. s. § 125. 1892, No. 1, § 26. 1890, No. 9, § 26. desiring to vote shall, before receiving his ballot, announce his name and place of residence in a clear and audible tone of voice to the ballot clerk or present the same in writing; and, if such name is found upon the certified copy of the check-list by the ballot clerk having charge thereof, he shall repeat the name, and the voter shall be allowed to enter the space enclosed by the guard rail, and the ballot clerk shall give him one ballot of a kind, and his name shall be checked at once on such list.

SEC. 177. Marking. On receiving his ballot or ballots, the voter shall forthwith, and without leaving the polling place or going outside the guard rail, retire alone to one of the booths not occupied by any other person and prepare his ballot or ballots by making in the appropriate margin or place, a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and making a cross (X) opposite thereto; or, if he desires to vote for the entire list of candidates in any column, by making a cross (X) in the square over such column; and, if a question is submitted to the vote of the people, by making in the appropriate margin or place, a cross (X) against the answer which he desires to give. v. s. § 126. 1892, No. 1, § 27. 1890, No. 9, § 27.

SEC. 178. Assistance. A voter who, by reason of physical or mental disability, is unable to mark his ballot shall so declare to the presiding officer; and such voter shall then, upon request, be directed by said officer to a booth in which he may be assisted in the marking of his ballot by the two assisting clerks. v. s. § 127. 1892, No. 1, § 29. 1890, No. 9, § 29.

SEC. 179. Folding and depositing. Before leaving the booth, the voter shall fold his ballot or ballots separately, without displaying the marks thereon, and shall then deliver the same, so folded, to the presiding officer or person authorized to receive the same. When the ballots are so delivered, the name of the voter shall be checked upon the check-list, and he shall proceed forthwith outside the guard rail by the exit and shall not again enter such enclosed space during such balloting, unless he is an election officer. No voter shall be allowed to occupy a booth more than five minutes when other voters are waiting to occupy the same. v. s. § 128. 1892, No. 1, § 27. 1890, No. 9, § 27. R. L. §§ 76, 77.

SEC. 180. Spoiled and unused ballots. No person shall take or remove a ballot from the polling place before the close of v. s. § 129. 1892, No. 1, § 28. 1890, No. 9, § 28.

the polls. If a voter spoils a ballot, he may obtain others, one at a time, not exceeding three in all, upon returning the spoiled ones; and, if a person fails to use a ballot received from the ballot clerk, he shall, before going outside the guard rail, deliver the same to the presiding officer. The ballots thus returned or delivered shall be immediately cancelled and, together with those not distributed to the voters and those that have been delivered to the presiding officer, shall be preserved and secured in sealed packages and returned to the county, town or village clerk from whom the same were received, who shall preserve them in such condition until the adjournment of the general assembly next after the election in which they were used, unless called for by some authority entitled to demand and receive the same.

1902, No. 4, § 1.
V. S. § 130.
1892, No. 1, § 30.
1890, No. 9, § 30.

SEC. 181. Rejection of ballots. If the voter marks more names than there are persons to be elected to an office or if, for any reason, it is impossible to determine the intent of the voter as to his choice for an office to be filled, his ballot shall not be counted for such office. If the board of civil authority is satisfied and so decides by majority vote of those present, that any double or irregular markings of a ballot were made for the purpose of enabling it to be identified and the vote traced so as to defeat the secrecy and purity of the ballot law, such ballot may be rejected. Said board shall make a record of such rejection and the reason for it or the evidence on which it was based and shall file the same with the ballots counted as provided in section one hundred and ninety. No ballot, without the official indorsement, shall, except as otherwise provided, be deposited in the ballot box; and none but ballots provided in accordance with this title shall be counted. Ballots not counted shall be marked "defective" on the back thereof and returned and preserved as provided for returning and preserving ballots in the preceding section.

Exceptions.

1906, No. 5, § 1.
V. S. § 131.
1894, No. 3.
1892, No. 1, § 32.

SEC. 182. Application of Australian system. The provisions of number one of the acts of eighteen hundred and ninety-two shall not apply to an annual or special meeting of a town or village held for the purpose of choosing town or village officers, unless the population of such town or village exceeds three thousand in number, or to an annual or special meeting of a town or village whose population exceeds three thousand and does not exceed eight thousand, unless such town or village, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.

CHAPTER 13.

COUNTING AND RETURNING VOTES.

SECTIONS 183-186.—Representative to the general assembly.

SECTIONS 187-191.—State officers and congressmen.

SECTIONS 192-196.—County officers.

SECTIONS 197-200.—Duty of secretary of state and legislative canvassing committee.

SECTION 201.—Canvassing votes at local elections.

Representative to the General Assembly.

SEC. 183. **Counting votes.** At three o'clock in the afternoon on the day of a general election, the votes given for representative to the general assembly shall be canvassed by such of the board of civil authority as are present, assisted by the assistant clerks and ballot clerks; and, if no person has a majority of the votes given, the presiding officer shall so inform the freemen and another balloting shall be had, a reasonable time only being given for receiving and counting the votes; and ballotings shall be continued, until an election is made. No vote shall be received on a balloting after the box is turned, but five minutes notice of the intention to turn the box shall be given by the presiding officer.

SEC. 184. **No adjournment until election.** A general election held on the first Tuesday in September shall not be adjourned, until a representative to the general assembly is elected, unless upon the unanimous vote of the legal voters present at the time the question of such adjournment is put.

SEC. 185. **Certificate of election.** When such representative is elected, the presiding officer shall declare the same in the presence of the freemen and make and deliver to the person elected a certificate in the following form:

STATE OF VERMONT,

Town of _____, ss.

At a general election, legally warned and holden at _____ in the county of _____, on the first Tuesday in September in the year _____, A. B. was duly elected a representative to the general assembly, by a majority of the freemen present and voting, to represent the town of _____ in the general assembly of the state of Vermont.

Given under my hand at said _____, this _____ day of September, A. D. _____.

C. D., Presiding Officer.

Such certificate shall be a sufficient credential of such person's election.

SEC. 186. **Same; clerk signs, when.** When there is more than one polling place in a town and there is no common presiding officer, the certificate provided for in the preceding section shall be signed and delivered by the town clerk.

State Officers and Congressmen.

SEC. 187. **Counting votes.** At five o'clock in the afternoon on the day of a general election, the board of civil authority, assisted by the assistant clerks and ballot clerks, shall count the votes given for state officers and for representative to congress, and make a list of the persons voted for and the number of votes

1815, p. 161, § 6.
R. 1797, p. 547, § 3.
R. 1787, p. 49.

for each, which shall be signed by the presiding officer and by the town clerk, if present, and recorded in the town clerk's office.

1904, No. 58, § 2.
V. S. § 137.
1894, No. 2, § 2.
1884, No. 69, § 4.
R. L. § 86.
G. S. 1, § 19.
R. S. 1, § 18.
R. 1797, p. 547, § 3.
R. 1787, p. 49.

SEC. 188. Certificates of votes. Certificates of votes for state officers, each attested by the presiding officer and town clerk, if present at such election, and the certificates of votes for representative to congress, shall severally be enclosed and sealed up by the presiding officer; and, on the outside of each package, shall be written the town; and, on the package enclosing the certificate of votes for governor, shall be written "Certificate of votes for Governor;" on the package enclosing the certificate of votes for lieutenant-governor, "Certificate of votes for Lieutenant-Governor;" on the package enclosing the certificate of votes for state treasurer, "Certificate of votes for State Treasurer;" on the package enclosing the certificate of votes for secretary of state, "Certificate of votes for Secretary of State;" on the package enclosing the certificate of votes for auditor of accounts, "Certificate of votes for Auditor of Accounts;" on the package enclosing the certificate of votes for attorney general, "Certificate of votes for Attorney General;" and on the package enclosing the certificate of votes for representative to congress, "Certificate of votes for Representative to Congress."

V. S. § 138.
1894, No. 2, § 3.
R. L. § 87.
1870, No. 2, § 5.

SEC. 189. Duplicate certificates. Duplicate certificates of the votes shall be made, sealed and superscribed as provided in the preceding section; and those for state officers shall be enclosed by the presiding officer in a single package and sealed and superscribed with the name of the town and the words "Certificate of votes for State Officers;" and said presiding officer shall, within six days after such general election, transmit the same by mail to the secretary of state at Montpelier.

1902, No. 4, § 1.
V. S. § 139.
1894, No. 2, § 4.
1884, No. 69, § 5.
R. L. § 88.
1870, No. 2, §§ 5, 10.
1868, No. 2, §§ 1, 2.
G. S. 1, §§ 20, 41.
R. S. 1, §§ 19, 37.
R. 1797, p. 517, § 3.
R. 1787, p. 50, § 1.

SEC. 190. Disposition of votes, etc. The presiding officer shall forthwith, after such election, deliver to the town clerk the votes cast for state and county officers, representative to congress and representative to the general assembly, together with the duplicate certificates of the votes therefor; and the clerk shall keep the same, together with the record of rejection of ballots returned to him by the board of civil authority, securely sealed for three years after such election; but, if called for, he shall deliver them to the committee appointed by the general assembly to canvass the same or to a person authorized to receive them, for such purposes and for such time as it or he is entitled to them.

R. 1906, § 177.
V. S. § 140.
1884, No. 69, § 6.
R. L. § 90.
G. S. 1, §§ 24, 40.
R. S. 1, §§ 22, 36.
1896, p. 116, § 3.

SEC. 191. Form of certificate. The certificates of votes for governor, lieutenant-governor, state treasurer, secretary of state, auditor of accounts, attorney general and representative to congress, shall be substantially in the following form:

STATE OF VERMONT,

Town of _____, ss.

At a general election legally warned and holden at _____ in the state of Vermont, on the first Tuesday of September, A. D. 19_____, the votes for _____ having been duly taken and canvassed, the following persons had the number

of votes annexed to their names, respectively: [*Here insert the names of the persons voted for, and the number of votes given for each person.*]

Attest:

A. B., Presiding Officer.

C. D., Town Clerk.

County Officers.

SEC. 192. Counting votes. The votes for county officers shall be counted at five o'clock in the afternoon by such of the board of civil authority as are present, assisted by the assistant clerks and ballot clerks.

V. S. § 141.
R. L. § 85.

SEC. 193. Votes for senators; notice. Lists of the votes for senators shall be made, delivered and canvassed and senators notified of their election in the manner prescribed in the constitution.

V. S. § 142.
R. L. § 89.
Cons. Art. 5.
G. S. 1, §§ 21, 23.
R. S. 1, §§ 20, 21.

SEC. 194. Senators' certificates. The certificates of votes for senators shall be substantially in the form prescribed for certificates of votes for state officers.

1902, No. 90, § 99.
V. S. § 144.
1886, No. 35, § 1.
R. L. § 90.
G. S. 1, § 24.

R. S. 1, § 22.

1806, p. 146, § 3.

SEC. 195. Other county officers. A certificate of the votes for county officers, other than those for senators, shall be made and delivered as prescribed in the constitution, a list of all persons voted for being included in such certificate; and the names of persons voted for shall be written on such list as they are written on the votes. The presiding officer shall, at the same time, make a duplicate certificate, which, in a sealed package with the same superscription, he shall transmit by mail, within six days, to the secretary of state at Montpelier.

V. S. § 145.
R. L. § 91.
Am. Const. Art. 20.
1870, No. 2, §§ 4, 10.
1868, No. 2.
G. S. 1, § 25.
1850, No. 61, § 1.

SEC. 196. Form of certificate. The certificate of votes for officers referred to in the preceding section shall be substantially in the following form:

V. S. § 146.
R. L. § 4550, form 54.
1870, No. 2, § 4.
G. S. 1, § 25.

STATE OF VERMONT,

Town of _____, ss.

At a general election legally warned and holden at _____ in the county of _____, on the first Tuesday of September, A. D. 19____, the votes for assistant judges of the county court, judge of probate, state's attorney, sheriff, high bailiff and justices of the peace, having been duly taken, sorted and counted, the following persons had the number of votes annexed to their names respectively, for the several offices herein stated: [*Here insert, under the name of each office, the names of the persons voted for and the number of votes given for each person.*]

Attest:

A. B., Presiding Officer.

Duty of Secretary of State and Legislative Canvassing Committee.

SEC. 197. Certificate not received. If the secretary of state does not receive, in due time, any certificate required to be forwarded to him, he shall notify the clerk of the town from which certificates are lacking, who shall forthwith make an

V. S. § 147.
R. L. § 92.
1870, No. 2, §§ 7, 8.
1868, No. 2, §§ 3.

attested copy of the record in his office of such lacking certificates and transmit the same by mail to said secretary.

V. S. § 148.
R. L. § 93.
1870, No. 2, § 8.
1868, No. 2, § 4.

SEC. 198. Returns tabulated; blanks. Said secretary shall make a statement, by towns and counties, of the votes given for state and county officers and for representative to congress, according to the certificates transmitted to him, and shall keep such statement and such certificates and deliver the same, when called for, to the respective committees appointed by the general assembly to canvass such votes; and he shall also furnish town clerks such instructions and blank forms as are necessary to carry out the provisions of this chapter in respect to such certificates.

R. 1906, § 185.
1904, No. 58, § 1.
V. S. § 149.
1884, No. 69, § 7.

SEC. 199. Canvassing votes. The votes for secretary of state, auditor of accounts and attorney general shall be sorted and counted and the result declared by the committee appointed by the senate and house of representatives to canvass the votes for governor, lieutenant-governor and state treasurer; and, in the event of no election by the freemen, of secretary of state, auditor of accounts or attorney general, the senate and house of representatives shall, by joint ballot, elect to fill the office not filled by the freemen, one of the three candidates for such office, if there are as many, for whom the greatest number of votes are returned.

V. S. § 150.
R. L. § 94.
G. S. 1, § 26.
1850, No. 61, § 2.

SEC. 200. Final disposition of certificates. The canvassing committee, after the canvass, shall deposit the certificates in the office of the secretary of state.

Canvassing Votes at Local Elections.

V. S. § 151.
1892, No. 1, §§ 24,
33.

SEC. 201. When; how. At local elections, the polls shall close and the votes for the officers to be elected thereat shall be counted at two o'clock in the afternoon. Such of the board of civil authority as are present, assisted by the assistant clerks and ballot clerks, shall canvass the votes cast at such election.

CHAPTER 14.

CONTESTING ELECTIONS.

V. S. § 152.
R. L. § 95.
G. S. 1, § 27.
R. S. 1, § 24.

SEC. 202. Representative; notice. No person shall contest the election of a returned representative to the general assembly, unless it appears that such representative was notified in writing of the intention to make such contest, within six days from the day of such election.

V. S. § 153.
R. L. § 96.
G. S. 1, § 28.
1848, No. 16.
R. S. 1, § 25.
1834, No. 26.
1827, No. 24.

SEC. 203. Testimony. No testimony shall be used at the hearing of a contested election, unless taken in writing, within the town where the person resides whose election is contested, before a justice, not an inhabitant of such town, who by law may judge between the parties, at least six days before the commencement of the session of the general assembly; nor unless it appears by the certificate of such justice, that such person had received at least six days' notice of the time and place of taking such testimony; and such testimony shall be taken within fourteen days after such election.

SEC. 204. Same; rebuttal. The person whose election is contested may take testimony in his behalf, at the time and place set for taking testimony against him, without notice, or at any time and place within such town, before a justice, as aforesaid, by giving six days' notice in writing to the person contesting his election; and he shall close the taking of his testimony within eight days after the taking of the testimony of the contestant; and the contestant shall close his rebutting testimony within six days thereafter.

SEC. 205. Depositions. No deposition shall be used before the committee to canvass the votes for governor, lieutenant-governor, state treasurer, secretary of state, auditor of accounts and attorney general, as to the legality of such votes, unless it appears by the certificate of the justice taking such deposition, that the presiding officer and the selectmen of the town in which such votes were given, were duly notified of the time and place of taking such deposition, and that the same was taken within such town at least ten days before the session of the general assembly.

SEC. 206. Form of testimony. Testimony in contested elections and as to the validity of votes shall be taken, as nearly as may be, in the form prescribed for depositions to be used in civil causes.

SEC. 207. Witnesses. Witnesses duly summoned and tendered their fees shall make their depositions in cases of contested elections at the time and place mentioned in the summons.

CHAPTER 15.

CANVASSING VOTES AND SPECIAL ELECTIONS FOR REPRESENTATIVES TO CONGRESS.

SEC. 208. Canvassing committee. A committee for each congressional district shall be appointed by the general assembly within one week from the commencement of each biennial session thereof; which committees shall canvass the certificates of votes given for representative to congress in their respective districts and declare the person having a majority of the votes in each district elected, and forthwith give notice thereof to the governor.

SEC. 209. List of certificates. The committee shall make a list of the certificates from the several towns, with the number of votes for each person, designating such as are illegal, and lodge a copy of the same and the original certificates with the secretary of state, to be kept by him until the close of the first session of the Congress for which such election was made.

SEC. 210. No choice; notice. If, in any district, no person has a majority of the votes, the committee shall forthwith give notice thereof to the governor and forward to him a statement of the number of votes given for each person.

SEC. 211. Special election. The governor, on receiving such notice, shall forthwith issue a proclamation, which shall be published in each newspaper printed in such district, that no

R. S. 1, § 40.
1832, No. 11, § 4.
1830, No. 22.
1828, No. 15.

election has been made in such district and stating the number of votes given for each candidate; and the proclamation shall require the freemen of the district to meet on the Tuesday next after the first Monday in November following, at one o'clock in the afternoon, in the places in the several towns where the general elections were last held, to elect a representative to congress; which election shall be conducted as before provided in case of a general election.

V. S. § 162.
R. L. § 105.
G. S. 1, § 45.
1842, No. 4, § 3.
R. S. 1, § 41.
1832, No. 11, § 5.

SEC. 212. Certificate of votes. A certificate of the number of votes for each candidate taken at such election, signed, recorded, sealed up and superscribed as heretofore provided, shall be delivered by the presiding officer to the clerks of the respective counties in such district, within one week after such election.

V. S. § 163.
R. L. § 106.
1874, No. 71.
G. S. 1, §§ 46, 47.
1851, No. 65.
R. S. 1, §§ 42, 43.
1832, No. 11, § 5.

SEC. 213. Canvassing. Such county clerks or, in case of the absence or disability of a clerk, the sheriff of the county, shall meet to canvass such votes on the third Tuesday succeeding such election, at the following places in their respective districts: in district number one, at the court house in Middlebury; and in district number two, at the White River Junction House in Hartford.

V. S. § 164.
R. L. § 107.
G. S. 1, §§ 46, 49,
50.
1851, No. 65.
R. S. 1, §§ 42, 47,
48.
1832, No. 11, §§ 5,
13, 14.

SEC. 214. Same. They shall be severally sworn and shall publicly canvass the votes; and, in case of an equal division as to the admission of votes, shall call to their aid a judge of the court of the county in which they meet, who shall thereupon have an equal voice with them on that question; and they shall declare the person having the greatest number of votes elected and give notice thereof to the governor.

V. S. § 165.
R. L. § 108.
G. S. 1, § 48.
R. S. 1, § 46.
1832, No. 11, § 7.

SEC. 215. List made, etc. They shall make a list of the certificates from each town and the number of votes for each person, designating such as they judge illegal, and lodge certified copies with the county clerks of the district, to be open for inspection, and shall preserve the original certificates until after the first session of the Congress for which such election was made.

V. S. § 166.
R. L. § 109.
G. S. 1, § 52.
R. S. 1, § 50.
1832, No. 11, § 16.
1822, p. 29, § 15.
1817, p. 110, § 1.
1798, p. 21.
1795, p. 39.
1794, p. 41.

SEC. 216. Vacancy. If a vacancy occurs in the office of representative to congress in a congressional district, the governor shall issue a proclamation directing an election to be made in such district to fill the vacancy, on a day designated in such proclamation; and such election shall be held and the result ascertained and declared as provided in cases where there is no election on the first Tuesday in September.

CHAPTER 16.

ELECTION OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

V. S. § 167.
R. L. § 110.
G. S. 1, §§ 54, 57,
59.
1860, No. 19.
1848, No. 14, §§ 1,
6.
R. S. 1, §§ 52, 51,
56.

SEC. 217. Warning, etc. In the year when the election of president and vice-president of the United States occurs, a notice shall be posted in each town as hereinbefore provided, warning the freemen to meet and vote for the number of electors to which the state is entitled; and such election shall be held and the votes for such electors taken and counted as provided for state of-

feers; and a list of the names of persons voting shall be kept by the clerk.

SEC. 218. Certificates of votes. When an election of electors is had, two certificates of the number of votes given for each candidate shall be made and signed by the presiding officer of the election at which the votes are cast. The certificates shall be in the following form:

STATE OF VERMONT,
Town of _____, ss.

At a general election legally warned and holden at _____, on the Tuesday next after the first Monday in November, A. D. 19____, the votes for electors of president and vice-president of the United States having been duly taken and examined, the following named persons had the number of votes set to their names respectively: [*Here state the names of persons voted for and the number of votes for each.*]

Given under my hand at _____ this _____ day of _____, A. D. 19____.

A. B., Presiding Officer.

SEC. 219. Disposal of certificates. The presiding officer shall seal up one of such certificates and write thereon the name of the town and the words "Certificate of votes for Electors," and shall, within two days after such election, transmit such certificate by mail to the secretary of state at Montpelier for the use of the canvassers. The other certificate shall, within two days after such election, be delivered by the presiding officer to the town clerk, who shall file and record the same in his office and, within four days after such election, transmit a certified copy thereof to the secretary of state at Montpelier. A certified copy of the certificate filed in the town clerk's office or of the record thereof may be used by the canvassers if the other certificate is lost or defaced.

SEC. 220. Canvassing. The lieutenant-governor, secretary of state and speaker of the house of representatives shall constitute a board to canvass the votes for electors. Said board shall meet at the state house in Montpelier on the third Tuesday in November of the year in which the votes are cast and, being duly sworn, shall there publicly canvass such votes and declare the persons, equal to the number of electors to be chosen, having the greatest number of votes, elected electors of president and vice-president of the United States, and give notice thereof to the governor and to each person elected, within five days thereafter. If any member of the board fails to appear at the meeting on the third Tuesday in November, the governor shall appoint some one to act as member of the board in his place.

SEC. 221. Lists made. The canvassers shall make a list of the certificates from the several towns with the number of votes for each person, designating such as are illegal and shall lodge a certified copy of such list in the office of the secretary of state, open for inspection, and preserve the original certifi-

1824, p. 4, §§ 1, 2.
1791, p. 37.
V. S. § 168.
1884, No. 70, § 1.
R. L. § 111.
1880, No. 136, § 1.
G. S. 1, §§ 55, 59.
1851, No. 64.
1848, No. 14, § 4.
R. S. 1, § 56.
1824, p. 4, § 2.

V. S. § 169.
1884, No. 70, § 2.
R. L. § 112.
1880, No. 136, § 2.
G. S. 1, §§ 55, 60,
61.
1851, No. 64.
R. S. 1, §§ 57, 58.
1824, pp. 4, 6, §§ 2,
3.

V. S. § 170.
R. L. § 113.
1880, No. 136, § 3.
G. S. 1, §§ 60, 63,
64.
R. S. 1, §§ 57, 60,
61.
1824, pp. 4, 7, §§ 2,
9.

V. S. § 171.
R. L. § 114.
1880, No. 136, § 4.
G. S. 1, § 62.
R. S. 1, § 59.
1824, p. 6, § 4.

ates until after the election of president and vice-president is declared.

R. 1906, § 208.
V. S. § 172.
1888, No. 134, § 1.
R. L. § 115.
1880, No. 136, § 5.
1876, No. 91.
G. S. 1, § 63.
R. S. 1, § 60.
1824, p. 6, § 5.

SEC. 222. Electors meeting. The persons declared elected shall meet at the state house in Montpelier on the second Monday in January following their election, to vote for president and vice-president of the United States, agreeably to the laws of the United States; and, if there is a vacancy in such electoral college on such day, occasioned by death, refusal to act, neglect to attend, or in any other manner, or for other cause, the other electors present shall at once fill, by viva voce and plurality of votes, such vacancy; and, when all the electors appear, or the vacancy therein is thus filled, such electors shall perform the duties required of them by the Constitution and laws of the United States. If a vacancy occurs and is filled as aforesaid, the electors shall attach to the certificate of their votes a statement showing how such vacancy occurred and their action thereon.

V. S. § 173.
R. L. § 116.
1880, No. 136, § 6.

SEC. 223. Compensation. Said electors shall each receive for attendance upon the meeting provided for in the preceding section, the sum of ten dollars and actual expenses.

CHAPTER 17.

OFFENSES AGAINST THE PURITY OF ELECTIONS.

SECTIONS 224-226.—Penalties upon officers.

SECTIONS 227-230.—Penalties upon voters.

SECTIONS 231-240.—Miscellaneous.

Penalties upon Officers.

V. S. § 5117.
R. L. § 4297.
1874, No. 58, § 1.
G. S. 1, § 73.
R. S. 1, § 70.
R. 1797, p. 551, § 8.
1792, p. 18.

SEC. 224. Presiding officer receiving illegal vote. A presiding officer in a town, village or school district meeting or a general election who knowingly receives and counts a vote from a person not a qualified voter, or knowingly receives from a voter, at any one balloting for the same office, more than one vote, shall be fined not more than one hundred dollars if the offense is committed in a town, village or school district meeting, and not more than five hundred dollars if the offense is committed in a general election.

1902, No. 5, § 1.

SEC. 225. Presiding officer not to allow votes to be counted, when. A presiding officer at a general election who allows the ballots for state or county officers to be counted or the ballot box containing the same turned before five o'clock in the afternoon shall be fined not more than one hundred dollars nor less than twenty dollars.

V. S. § 5124.
1892, No. 1, § 37.
1890, No. 9, § 37.
R. L. § 4298.
G. S. 1, § 72.
R. S. 1, § 69.
1832, No. 11, § 11.
R. 1797, p. 550, § 4.
1793, p. 16.
R. 1787, p. 50.

SEC. 226. Non-performance of duty by public officer. A public officer upon whom a duty is imposed by the provisions of this title, who wilfully neglects to perform such duty or who wilfully performs it in such a way as to hinder the object of the provisions of this title, shall be fined five hundred dollars; but the provisions of this section shall not apply to a public officer upon whom a duty is imposed by the provisions of chapter ten.

Penalties upon Voters.

SEC. 227. Voter casting more than one ballot. A legal voter who knowingly gives in at an election more than one ballot at any one time of balloting for the same office shall be fined not more than one hundred dollars, if the offense is committed at a general election, and not more than ten dollars, if the offense is committed in town meeting, in which last case the offender shall be prosecuted by the town agent and the penalty shall go to the town.

V. S. § 5111.
R. L. § 4291.
G. S. 1, § 67.
G. S. 15, § 97.
R. S. 1, § 64.
R. S. 13, § 79.
1832, No. 11, § 12.
1806, p. 101.
R. 1797, p. 551, § 7.
1793, p. 17.
R. 1787, p. 51.

SEC. 228. Voter showing ballot, etc; interference with voter. A voter who, except in cases of assistance as provided in this title, allows his ballot to be seen by another person with an apparent intention of letting it be known how he is about to vote or makes a false statement to the presiding officer at an election as to his inability to mark his ballot or places a distinguishing mark on his ballot, or a person who interferes with a voter when inside the guard rail or who, within the building in which the voting is proceeding, endeavors to induce a voter to vote for a particular candidate, shall be fined fifty dollars. It shall be the duty of the election officers to see that the offender is duly prosecuted.

V. S. § 5121.
1892, No. 1, § 34.
1890, No. 9, § 4.

SEC. 229. Voting in more than one town. A person who, on the same day, votes in more towns than one for the same officers shall be fined not more than one hundred dollars. 42 Vt. 399.

V. S. § 5115.
R. L. § 4295.
G. S. 1, § 70.
R. S. 1, § 67.
1812, p. 130.

SEC. 230. Voter omitted from list voting in another town. A person resident and entitled to vote in a town in which a check-list of voters has been made previous to an election, whose name, through his neglect, is not entered thereon, who votes in another town at such election, shall be fined not more than two hundred dollars.

V. S. § 5118.
R. L. § 4299.
1876, No. 93.

Miscellaneous.

SEC. 231. Perjury before board making check-list. A person who knowingly swears falsely to a fact or matter which may be the subject of inquiry by the board of civil authority in revising the check-list as provided in this title shall be guilty of perjury and imprisoned in the state prison not more than fifteen years and fined not more than one thousand dollars.

V. S. § 5120.
R. L. § 4301.
1866, No. 15, § 7.
59 Vt. 117.

SEC. 232. Procuring wrongful change in check-list. A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a check-list of voters, knowing such person not to be a voter in the town for which such list is made, or, directly or indirectly, procures or causes to be procured or aids in procuring the name of any person to be erased from such list, knowing him to be a legal voter in such town, shall be fined not more than one hundred dollars to the use of the town.

V. S. § 5119.
R. L. § 4300.
1866, No. 15, §§ 5, 6.

SEC. 233. False answer as to right to vote. A person who knowingly gives a false answer or information to the presiding officer at a general election, or the authority present to decide upon the qualifications of voters, touching a person's right to

V. S. § 5116.
R. L. § 4296.
G. S. 1, § 68.
R. S. 1, § 65.

vote at such election, shall be fined not more than one hundred dollars.

V. S. § 5109.
R. L. § 4290.
1874, No. 58, § 2.
G. S. 1, § 66.
R. S. 1, § 63.
1832, No. 11, § 12.
R. 1797, p. 551, § 7.

SEC. 234. Unqualified person voting. A person who votes at a town, village or school district meeting or a general election for an officer to be elected at such meeting or election, knowing that he is not a qualified voter, shall be fined not more than one hundred dollars. R. 1787, p. 51. 1793, p. 17.

V. S. § 5110.
1884, No. 61, § 1.

SEC. 235. Same. A person who personates another, living or dead, and gives or offers to give a vote in the name of such other person, or gives or offers to give a vote under a fictitious name, at a town, village or school district meeting or a general election, for an officer to be elected at such meeting or election, shall be imprisoned not more than one year or fined not more than one hundred dollars.

V. S. § 5112.
R. L. § 4292.
G. S. 1, § 69.
R. S. 1, § 66.

SEC. 236. Aiding unqualified person to vote. A person who wilfully aids or abets a person who is not a voter in voting or attempting to vote at a general election shall be fined not more than one hundred dollars.

V. S. § 5113.
R. L. § 4293.
G. S. 1, § 74.
R. S. 1, § 71.
1832, No. 11, § 12.
R. 1797, p. 551, § 6.
1793, p. 17, § 4.
32 Vt. 546.

SEC. 237. Bribery; threats; undue influence. A person who attempts by bribery, threats or any undue influence to dictate, control or alter the vote of a freeman about to be given at a general election shall be fined not more than two hundred dollars.

V. S. § 5114.
R. L. § 4294.
G. S. 1, § 75.
R. S. 1, § 72.
1806, p. 147.

SEC. 238. Giving intoxicating liquor to voter. A person who, directly or indirectly, gives intoxicating liquor to a freeman with intent to influence his vote at an election specified in the preceding section, or as a reward for the same, shall be fined not more than two hundred dollars.

V. S. § 5122.
1892, No. 1, § 35.
1890, No. 9, § 35.

SEC. 239. Destroying list of candidates; hindering voting. A person who, prior to an election, wilfully defaces or destroys any list of candidates posted in accordance with law, or, during an election, wilfully defaces, tears down, removes or destroys any card posted for the instruction of voters, or, during an election, wilfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot, or wilfully hinders the voting of others, shall be fined fifty dollars.

V. S. § 5123.
1892, No. 1, § 36.
1890, No. 9, § 36.

SEC. 240. Destroying certificates of nomination, etc. A person who falsely makes or wilfully defaces or destroys any certificate of nomination or nomination paper, or any part thereof, or any letter of withdrawal, or files a certificate of nomination or nomination paper or letter of withdrawal, knowing the same, or any part thereof, to be falsely made, or suppresses any certificate of nomination or nomination paper, or any part thereof, which has been filed, or forges or falsely makes the official indorsement upon a ballot, or wilfully destroys or defaces a ballot, or wilfully delays the delivery of ballots, shall be fined one hundred dollars.

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